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(Additional Appearances Noted On Signature Page)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES A. HARRIS,

Plaintiff,

Y.

GULF INSURANCE COMPANY,

Defendant,

Case No.: C 01-4906 (CW)

ORDER CONTINUING CASE MANAGEMENT CONFERENCE

Date: November 13, 2007

Time: 2:00 p.m.

Courtroom 2

The Honorable Claudia Wilken

MICHAEL J. STONE,

Plaintiff/Intervenor.

Plaintiff James A. Harris, Intervenor Michael J. Stone (together, “Plaintiffs”), and defendant Gulf Insurance Company respectfully submit this Joint Statement in connection with the upcoming Case Management Conference (“CMC”), currently scheduled for November 13, 2007, at 2:00 p.m.

This litigation was one of three related cases before the Court. The remaining two, *In re U.S. Aggregates, Inc. Securities Litigation*, Master File No. C-01-1688-CW, and *Moglia v. Harris*, No. C 04 2663 CW, were settled. This case dealt with the insurance

1 coverage issues posed by the U.S. Aggregates Securities Litigation.

2 This Court entered final judgment on September 28, 2005 on Counts I and II of
3 Plaintiffs First Amended Complaint pursuant to Federal Rule of Civil Procedure 54(b).
4 Those two counts raised the major coverage questions posed by the litigation. The Court
5 stayed all proceedings with respect to the remaining two counts (breach of contract and bad
6 faith) pending resolution of the appeal that Gulf indicated it would take from the judgment.¹
7 The appeal was fully briefed by May 4, 2006. The Ninth Circuit heard oral argument on
8 October 18, 2007.

Given the current status, the parties respectfully request that the scheduled CMC be vacated until disposition by the Court of Appeals. If the Court requests, the parties will provide the Court with periodic status reports as the Court may desire.

DATED: October 24, 2007

14 By: _____ /s/
15 Stephen N. Goldberg
16 Attorneys for Plaintiff
JAMES A. HARRIS

DATED: October 24, 2007 JEFFER, MANGELS, BUTLER & MARMARO LLP

20 By: _____ /s/
21 Julia J. Rider
22 Attorneys for Plaintiff/Intervenor
MICHAEL J. STONE

²⁶ ¹ See the Court's Order Granting the Parties Joint Application for Judicial Resolution of
Counts I and II of Plaintiffs' First Amended Complaint and Entering Judgment on Counts I and II
²⁷ of Plaintiffs' First Amended Complaint under Federal Rule of Civil Procedure 54(b), dated
September 28, 2005.

1 DATED: October 24, 2007

TUCKER ELLIS & WEST LLP

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By: _____/s/ _____
Alec Boyd

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Attorneys for Defendant
GULF INSURANCE COMPANY

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ORDER

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IT IS HEREBY ORDERED THAT the Case Management Conference scheduled for
November 13, 2007, is hereby continued until February 19, 2008, at 2:00 p.m. An updated

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DATED: October 26, 2007



The Honorable Claudia Wilken
United States District Court